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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,649	01/18/2001	Richard Liming	37622.010400	6086

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EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/761,649	LIMING, RICHARD	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-96 is/are pending in the application.
- 4a) Of the above claim(s) 59-67, 74-78 and 87-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 68-73 and 79-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 59-96 are pending in this application. Claims 1-58 has been cancelled. This is a response to the amendment filed on 11/03/04.

Election/Restrictions

Newly submitted claims 59-96 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 59-67 are directed to obtaining spatial location from a user, classified in class 342, subclass 357.13.
- II. Claims 74-78 are directed to controlling of a device, classified in class 709, subclass 229.
- III. Claims 87-96 are directed to converting location information into a standard format and embedding spatial location into a communication protocol, classified in class 342, subclass 357.01.
- IV. Claims 68-73, 79, 80-86 are directed to sending content based on a location, classified in class 709, subclass 219.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention II is drawn to a system to control a remote device which has separate utility such as someone at a computer that sends commands to an appliance. See MPEP § 806.05(d).

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Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention III is drawn to a system to converting location information into a standard format and embedding spatial location into a communication protocol which has separate utility such as getting a street address and converting it into GPS coordinates. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention IV is drawn to a system sending content based on a location which has separate utility such as a user with a cellular phone who gets restaurant information based on where the user is located. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention III is drawn to a system to converting location information into a standard format and embedding spatial location into a communication protocol which has separate utility such as getting a street address and converting it into GPS coordinates. See MPEP § 806.05(d).

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention IV is

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drawn to a system sending content based on a location which has separate utility such as a user with a cellular phone who gets restaurant information based on where the user is located. See MPEP § 806.05(d).

Inventions IV and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention III is drawn to a system to converting location information into a standard format and embedding spatial location into a communication protocol which has separate utility such as getting a street address and converting it into GPS coordinates. See MPEP § 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 59-67, 74-78, 87-96 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 86 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially equal" in claim 86 is a relative term which renders the claim indefinite. The term "substantially equal" is not defined by the claim,

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the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 68-73,79,80-86 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,629,136 issued to Naidoo.

As per claim 68, Naidoo teaches a spatial location based reminder method, comprising the steps of:

storing content(Fig.1, elements 128);

defining a spatial region(col.2, lines 21-29, 45-59);

allowing a user to associate said spatial region with said content(col.2, line 60-col.3, line 5);

determining a current spatial location of an electronic device(col.2, lines 45-59);

and presenting content associated with a spatial area to a user when said device is within said spatial region(col.2, line 45-col.3, line 5).

As per claim 69, the spatial location based reminder method of Claim 68, in which said electronic device performs said step of determining said current spatial location(col.11, lines 38-45).

As per claim 70, the spatial location based reminder method of Claim 68, in which said spatial region is defined by a spatial location occupied by the device on which said association is created, wherein said spatial region is determined by associating a range with said spatial location(col.2, line 60-col.3, line 5).

As per claim 71, the spatial location based reminder method of Claim 68, in which said content is stored on at least one server communicatively coupled to said electronic device(Fig.1, element 120).

As per claim 72, the spatial location based reminder method of Claim 68, in which said defined spatial regions are stored on at least one server communicatively coupled to said electronic device(col.3, lines 15-28).

As per claim 73, the spatial location based reminder method of Claim 68, in which said spatial region and content associations are stored on at least one server communicatively coupled to said electronic device(col.3, lines 15-28).

As per claim 79, a spatial location based information display and control system which includes a means for defining a user selectable hierarchy of one or more preferred location determination means(col.2, line 64-col.3, line 5), wherein said user selectable hierarchy allows users of said spatial location based

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information display and control system to record spatial locations of interest using a variety of spatial location specification means(col.2, line 64-col.3, line 41).

As per claim 80, a spatial location based content substitution method, comprising the steps of:

storing content in a database(Fig.1, element 28);

storing attributes of said content in said database(Fig.1, col.4, lines 31-45);

associating said content with one or more spatial locations(col.4, lines 31-45);

storing said associations in a database(col.4, lines 31-45);

determining the current spatial location of a content presentation device(col.2, line 45-59, col.4, line 31-45);

selecting content from said database based on said content presentation device current location and content attributes(col.3, lines 42-57, col.4, lines 31-53);

and, presenting said content to a user of said content presentation device in place of default content(Fig.5, col.2, line 21-67; it is inherent that there is default content because before the user requests or is sent content information, he/she must open up a web browser, when someone opens up a webbrowser, there is always a homepage).

As per claim 81, the spatial location based content substitution method of Claim 80, further comprising the step of selecting content from said database based on a current date and time, and user behavior patterns(Fig.6, col.4, lines 31-54 the Extended Forecast is based on current date and time and the user behavior pattern is the location of the mobile terminal).

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As per claim 82, the spatial location based content substitution method of Claim 81, in which said behavior patterns include the duration a user typically stays within a spatial region, and the frequency with which a user visits a given spatial region(col.3, lines 15-40,col.8, lines 25-51).

As per claim 83, the spatial location based content substitution method of Claim 80, in which said content attributes include content duration and content target audience(col.3, line 16-col.4, line 17).

As per claim 84, the spatial location based content substitution method of Claim 83, in which demographic information relating to a user or owner of said content presentation device is stored in a database, and wherein such demographic information is used in combination with other criteria when selecting content from said database(Fig.1, col.3, line 16-col.4, line 17).

As per claim 85, the spatial location based content substitution method of Claim 80, in which said content and said default content includes advertisements(Fig.6, element 604).

As per claim 86, the spatial location based content substitution method of Claim 80, in which the step of selecting content from said database includes selection of one or more content pieces whose aggregate dimensions are substantially equal to said default content(col.6, line 42-55).

Claim 79 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,381,603 issued to Chan et al.(Chan).

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As per claim 79, Chan teaches a spatial location based information display and control system which includes a means for defining a user selectable hierarchy of one or more preferred location determination means(Abstract, Figs.1-21, col.2, lines 11-39), wherein said user selectable hierarchy allows users of said spatial location based information display and control system to record spatial locations of interest using a variety of spatial location specification means(Abstract, Figs.1-21, col.2, lines 39-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 68-73,80-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,381,603 issued to Chan et al.(Chan) in view of US Patent 6,629,136 issued to Naidoo.

As per claim 68, Chan teaches a spatial location based reminder method, comprising the steps of:

storing content(col.2, lines 18-22);

defining a spatial region(col.2, lines 47-53);

allowing a user to associate said spatial region with said content(col.2, lines 60-67);

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determining a current spatial location of an electronic device(col.2, lines 47-55).

However, Chan does not explicitly teach as per claim 68 presenting content associated with a spatial area to a user when said device is within said spatial region.

Naidoo teaches presenting content associated with a spatial area to a user when said device is within said spatial region(col.2, line 45-col.3, line 5).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the teachings of Chan to include presenting content associated with spatial area to a user when a device is within a spatial region as taught by Naidoo in order to provide information about the area of a mobile device when a user enters that area.

One ordinary skilled in the art at the time of the invention would have been motivated to combine Naidoo and Chan in order to provide a system to seamlessly deliver localized content to users on a network corresponding to each users' geographic area(Naidoo, Abstract).

As per claim 69, the spatial location based reminder method of Claim 68, in which said electronic device performs said step of determining said current spatial location(Naidoo, col.11, lines 38-45). Motivation to combine set forth in claim 68.

As per claim 70, the spatial location based reminder method of Claim 68, in which said spatial region is defined by a spatial location occupied by the device on which said association is created, wherein said spatial region is

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determined by associating a range with said spatial location(Naidoo, col.2, line 60-col.3, line 5). Motivation to combine set forth in claim 68.

As per claim 71, the spatial location based reminder method of Claim 68, in which said content is stored on at least one server communicatively coupled to said electronic device(Naidoo, Fig.1, element 120). Motivation to combine set forth in claim 68.

As per claim 72, the spatial location based reminder method of Claim 68, in which said defined spatial regions are stored on at least one server communicatively coupled to said electronic device(Naidoo, col.3, lines 15-28). Motivation to combine set forth in claim 68.

As per claim 73, the spatial location based reminder method of Claim 68, in which said spatial region and content associations are stored on at least one server communicatively coupled to said electronic device(Naidoo, col.3, lines 15-28). Motivation to combine set forth in claim 68.

As per claim 80, Chan teaches a spatial location based content substitution method, comprising the steps of:
storing content in a database(col.2, lines 11-38);
storing attributes of said content in said database(col.2, lines 11-38, col.5, lines 6-20);
associating said content with one or more spatial locations(col.2, lines 54-67);
storing said associations in a database(col.2, lines 39-67);
determining the current spatial location of a content presentation device(col.2, lines 47-53);

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and, presenting said content to a user of said content presentation device in place of default content(col.2, lines 53-67).

However, Chan does not explicitly teach selecting content from said database based on said content presentation device current location and content attributes(col.2, line 45-col.3, line 5).

Naidoo teaches selecting content from said database based on said content presentation device current location and content attributes(col.2, line 45-col.3, line 5).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the teachings of Chan to selecting content from said database based on said content presentation device current location and content attributes as taught by Naidoo in order to provide information about the area of a mobile device when a user enters that area.

One ordinary skilled in the art at the time of the invention would have been motivated to combine Naidoo and Chan in order to provide a system to seamlessly deliver localized content to users on a network corresponding to each users' geographic area(Naidoo, Abstract).

As per claim 81, the spatial location based content substitution method of Claim 80, further comprising the step of selecting content from said database based on a current date and time, and user behavior patterns(Chan, Figs.17-21).

As per claim 82, the spatial location based content substitution method of Claim 81, in which said behavior patterns include the duration a user typically stays within a spatial region, and the frequency with which a user visits a given

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spatial region(Naidoo, col.3, lines 15-40,col.8, lines 25-51). Motivation to combine set forth in claim 80.

As per claim 83, the spatial location based content substitution method of Claim 80, in which said content attributes include content duration and content target audience(Naidoo, col.3, line 16-col.4, line 17). Motivation to combine set forth in claim 80.

As per claim 84, the spatial location based content substitution method of Claim 83, in which demographic information relating to a user or owner of said content presentation device is stored in a database, and wherein such demographic information is used in combination with other criteria when selecting content from said database(Naidoo, Fig.1, col.3, line 16-col.4, line 17). Motivation to combine set forth in claim 80.

As per claim 85, the spatial location based content substitution method of Claim 80, in which said content and said default content includes advertisements(Naidoo, Fig.6, element 604). Motivation to combine set forth in claim 80.

As per claim 86, the spatial location based content substitution method of Claim 80, in which the step of selecting content from said database includes selection of one or more content pieces whose aggregate dimensions are substantially equal to said default content(Naidoo, col.6, line 42-55). Motivation to combine set forth in claim 80.

Response to Arguments

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All rejections as per claims 1-58 are withdrawn due to the cancellation of claims 1-58.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Backhean Tiv
2151
3/28/05



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